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IN THE

Supreme Court of the United States

OCTOBER TERM, 1966.

No. ~~1002~~ 1092.

SHELBY FRANKLIN AND DOROTHY FRANKLIN,
Petitioners,

vs.

MARLIN K. McDANIEL,
Respondent.

PETITION FOR REHEARING.

SHELBY FRANKLIN,
446 N. 14 Street,
New Castle, Indiana,
Pro Se.

THE GUNTHORP-WARREN PRINTING COMPANY, CHICAGO

IN THE

Supreme Court of the United States

OCTOBER TERM, 1966.

No. 1062.

SHELBY FRANKLIN AND DOROTHY FRANKLIN,
Petitioners,

vs.

MARLIN K. McDANIEL,
Respondent.

PETITION FOR REHEARING.

Come now the Petitioners and respectfully ask the Court for a rehearing on the grounds we are left without a remedy in law and have been persecuted by the Courts, both State and Federal, and by the lawyers.

1. Our son was arrested in Tennessee by the Federal authorities in 1954. He was turned over to Indiana authorities without any warrant; and an affidavit was filed against him in Indiana after he was brought here.

We hired a lawyer and the lawyer said our only remedy was to let the boy plead guilty to the affidavit which reads in part as follows:

> Take, steal, haul, carry and drive away of the personal goods and chattel of Francis Morrison, one 1950 Ford Deluxe Tudor, a motor vehicle having motor number ..... and bearing 1954 Indiana license plates number KM5334.

We knew that Francis Morrison owned no 1950 Ford bearing 1954 Indiana license.

License plate number KM5334 belonged to Robert H. Brooks on a 1951 Pontiac and because we presented him with these facts he said he would have to get out of the case.

He did get out of the case and our son's mother appeared in court with the boy. I did not appear because I had been threatened *if I did.*

The Court appointed a lawyer against our will when we had ample funds to hire our own lawyer. Our refusal to cooperate with the Court-appointed lawyer when we knew he would only force our boy to plead guilty provoked the Court.

This resulted in our fence being bulldozed down by the Sheriff's office. I was arrested three times, taken to court and told that fencing our own land was taking the law in our own hands. All of this happened in 1954 through 1956. We had to abandon our property in Wayne County, move to Henry County on the advice of the Bluffton Clinic medical authorities, due to a nervous breakdown of Dorothy Franklin, the above named Plaintiff, over the loss of our property seven years before ~~when~~ the Defendant conveyed our land on orders of the Wayne Superior Court.

Filed herewith is an opinion of the Indiana Appellate Court cited as 206 N. E. 2d 618, *Franklin* v. *McDaniel.*

Complaint filed by former owner who had been compelled to convey by court order to set aside deed against court-appointed commissioner, who executed and delivered deed, for having obtained the deed by fraud and misrepresentation or because former owners had not received balance of purchase price, failed to state a cause of action.

The deed shows on its face we were not compelled to convey and we did not convey; that Marlin K. McDaniel did convey our land without our consent.

WHEREFORE Petitioners ask a Rehearing and the deed set aside as a remedy in Law, for lack of a remedy in Law in State Court.

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We hereby certify to the effect that this petition is presented in good faith and not for delay. We also certify that the petition is restricted to the grounds above specified.

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